

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Eastern Division

In re: Christopher & Tracy Wilmoth

[Set forth here all names including married, maiden, and trade names used by debtor within last 8 years.]

Case No. 07-33570-KRH

Debtor(s)
Address: 8068 Comans Lake Rd
Church Road, VA 23833

Chapter 13

Last four digits of Social Security or Individual Tax-payer Identification (ITIN) No(s)., (if any) 7087, 9185

Employer's Tax Identification (EIN) No(s). (if any):

NOTICE OF MOTION (OR OBJECTION)

Christopher & Tracy Wilmoth have filed papers with the court to Purchase & Finance the Purchase of Real Property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion (or objection), or if you want the court to consider your views on the motion (or objection), then or before July 20, 2011 you or your attorney must:

- ☒ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 E. Broad St.
Richmond, VA 23219

You must also mail a copy to:

The Debt Law Group, PLLC
111 Highland Ave
Colonial Heights, VA 23834

- ☐ Attend a hearing to be scheduled at a later date. You will receive a separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**
- ☐ Attend the hearing on the motion (or objection) scheduled to be held on _____ at _____ AM at the United States Bankruptcy Court, 701 E. Broad St, Courtroom 5000/5001, Richmond, VA 23219.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: June 29, 2011

/s/ Richard J. Oulton
The Debt Law Group, PLLC
111 Highland Ave
Colonial Heights, VA 23834
Ph: 804-520-2428
VA State Bar No: 29640
Counsel for Debtor(s)

Certificate of Service

I hereby certify that I have this June 29, 2011 mailed or served by electronic means a true copy of the foregoing Notice of Motion (or Objection) to the parties listed on the attached service list.

/s/ Richard J. Oulton
Counsel for Debtor(s)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE:)	
)	
Christopher & Tracy Wilmoth)	Chapter 13
)	
)	Case No. 07-33570-KRH
)	
Debtor(s))	
)	

DEBTORS' MOTION TO PURCHASE & FINANCE REAL PROPERTY

Comes now, Debtor(s), Christopher & Tracy Wilmoth, who by counsel states the following in support of this motion:

1. On September 27, 2007, Debtors filed a petition under Chapter 13 of the Bankruptcy Code.
2. Debtors desire to purchase and finance real property (hereinafter referred to as "the property") described below, from Village Bank Mortgage Corporation:

ALL that certain lot or parcel of land lying and being in Dinwiddie County, Virginia, designated at Lot 5, on the plan of Courthouse Estates Rt 611, Deed book 595, page 237, of record in the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia, more commonly known as:

17911 Wilkinson Road, Dinwiddie, VA 23841.

3. This Court has exclusive jurisdiction over the property in question under 28 USC Section 1334. This is a core matter.
4. The purchase price for the property is \$212,000.00. The approximate closing costs are \$6,425.00 (which are to be paid by the seller).

5. The loan amount for the property is \$204,580.00. The proposed balance is to be financed with Village Bank Mortgage Corporation. The term of the loan is 360 months with a fixed interest rate of 3.875%. Monthly principal & interest payments are in the amount of \$971.63.

6. The purchase of the property would not prejudice the rights of any party, and would allow the debtors to comply with the terms of their confirmed Chapter 13 plan. The debtors have an opportunity to purchase a home with a payment within their means. The debtor's current budget allows for a rent payment in the amount of \$875.00 a month. However, they will be able to afford the increase of \$100.00 because: they will decrease the amount of money spent on groceries and work lunches.

WHEREFORE, the Debtors pray that this Court enter an Order permitting the purchase and financing of real property.

Christopher & Tracy Wilmoth

By: /s/ Richard J. Oulton

Richard J. Oulton for:
The Debt Law Group, PLLC
111 Highland Ave
Colonial Heights, VA 23834
(804) 520-2428
VSB# 29640

Certificate of Services

I hereby certify that I have this June 29, 2011 mailed or sent through electronic mailing procedures a true copy of this Motion to all creditors and necessary parties of interest as shown on attached list and in compliance with Local Rules and Federal Rules of Bankruptcy Procedure as well as to Carl M. Bates, PO Box 1819, Richmond, VA 23218 and the office of the U.S. Trustee, 701 East Broad Street, Suite 4300 Richmond, VA 23219

/s/Richard J. Oulton
Richard J. Oulton
Counsel for Debtor(s)

Parties to Receive Copy:

Roundup Funding, LLC
MS 550
PO Box 91121
Seattle, WA 98111-9221

HSBC Auto Finance
POB 60130
City of Industry, CA 91716

Dyck-ONeal, Inc.
PO Box 13370
Arlington, TX 76094

Dinwiddie County
Po Box 178
Dinwiddie, VA 23841-0000

Virginia Physicians for Women
Po Box 6829
Richmond, VA 23230-0000

HSBC Mortgage Services
636 Grand Regency Boulevard
Brandon, FL 33510

eCAST Settlement Corp
Assignee of Household Bank
P.O. Box 7247-6971
Philadelphia, PA 19170-6971

Mapco Fleet, Inc.
Jessica L. Dinan, Esq. (Boult Cummings)
1600 Division Street, Ste. 700
Nashville, TN 37205

Virginia Cardiovascular Specialists
Schettine & Nguyen, PLC
319 West Franklin St., Second Floor
Richmond, VA 23220

National Capital Management, LLC
8245 Tournament Drive
Suite 230
Memphis, TN 38125

Premier BankCard/Charter
Post Office Box 2208
Vacaville, CA 95696

Old Dominion Tire
Po Box 4057
Midlothian, VA 23112-0000

eCAST Settlement Corporation assignee of
HSBC Bank Nevada NA / HSBC Card
Services III
POB 35480
Newark NJ 07193-5480

Recovery Management Systems Corporation
For GE Money Bank
dba LOWES CONSUMER
25 SE 2nd Ave Ste 1120
Miami FL 33131

eCAST Settlement Corporation assignee of
Household Finance Corporation/Beneficial
POB 35480
Newark NJ 07193-5480

B-Real, LLC
MS 550
PO Box 91121
Seattle, WA 98111-9221

John Randolph Medical Center
NCO Healthcare Services
Attn: Heather Mason
1804 Washington Blvd; Dept 600 Atty Div
Baltimore, MD 21230

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In Re: Christopher & Tracy Wilmoth

Case No. 07-33570-KRH
Chapter 13

Debtor(s)

PROPOSED
ORDER AUTHORIZING PURCHASE
& FINANCE OF REAL PROPERTY

This matter came to be heard upon the Motion of the Debtors for the authority to purchase real property (hereinafter referred to as “the property”, and it appearing to the Court that the debtors have the opportunity to purchase the property land located at 17911 Wilkinson Road, Dinwiddie, VA 23841, and to finance the purchase through Village Bank Mortgage Corporation, by a loan in the amount of \$204,580.00 with a fixed interest rate of 3.875%, and monthly principal & interest payments in the amount of \$971.63 for 360 months.

The Court further determining that it would be in the best interest of the creditors and parties in interest in this case to allow this purchase to take place, and for these reasons and other good cause shown, it is hereby

ORDERED that the debtors are authorized to PURCHASE & FINANCE the property, described as:

ALL that certain lot or parcel of land lying and being in Dinwiddie County, Virginia, designated at Lot 5, on the plan of Courthouse Estates Rt 611, Deed book 595, page 237, of record in the Clerk’s Office of the Circuit Court of Dinwiddie County, Virginia, more commonly known as:

17911 Wilkinson Road, Dinwiddie, VA 23841.

I ask for this:

/s/Richard J Oulton

Richard J. Oulton
Counsel for Debtor(s)

Seen and approved:

Chapter 13 Trustee

Entered on Docket _____

U.S. Bankruptcy Judge

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by electronic means or by mail first class a true accurate copy of the Order to Incur Debt to the Chapter 13 Trustee and to all creditors and necessary parties on June 29, 2011.

/s/ Richard J. Oulton
Richard James Oulton
Counsel for Debtor(s)

PARTIES TO RECEIVE COPIES:

Carl M. Bates
PO Box 1819
Richmond, VA 23218

Village Bank Mortgage Corporation
1120 Huguenot Road
Midlothian, VA 23113

Christopher & Tracy Wilmoth
8068 Comans Lake Rd
Church Road, VA 23833

The Debt Law Group, PLLC
111 Highland Drive
Colonial Heights, VA 23834